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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,303	06/19/2001	Garry D. Gladstone	GLADS-001A	4813

7663 7590 11/26/2003  
STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/884303

Applicant(s)

Gladstone

Examiner

Allen, G

Art Unit

362x

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 6/19/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3624

### DETAILED ACTION

1. Claims 1-27 have been examined.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 USC 103(a) as unpatentable over Breen(US Pat. No: 6,615,188) in view of Hawkins(US Pat. No: 6,029,146) and further in view of Howorka(US Pat. No: 6,282,521).
4. As per claims 1-27 Breen teaches an automated method of communicating trade orders to a marketplace for financial instruments(Abstract)(Figs 1-4).Breen further teaches a research server(Fig 1/80) and a brokerage system(Fig 1/60) and a marketplace(Fig 1/40).Breen further teaches an aggregated order(Fig 1) and entering a buy order(Fig 2) including quantities, symbols and prices(Fig 2) and pricing and buying the stock(Fig 2) and reporting the trade number and details(Fig 2). Breen further teaches entering a sell order and checking the threshold restriction code(Fig 3). Breen further teaches verification that client has shares to sell and creating sell orders(Fig 3).Breen teaches a trigger mechanism for determining the sufficient quantity of orders to trade(Fig 4).In addition to that taught by Breen, Hawkins teaches a web address accessible

Art Unit: 3624

through a computer network supporting the accounts(Abstract)(Figs 5-7).Hawkins further teaches a host and a broker's clearing agent(Fig 3/103) and a broker's local clearer(Fig 3/104). Hawkins further teaches broker to broker transactions(Fig 4) and use of a GUI between trading parties(Fig 9). Hawkins further teaches price limits(Fig 10/426) and time limits(Fig 10/422) and a stop price(Fig 10/448) and a price limit qualifier(Fig 10/387)(Fig 11)as triggers received the trade trigger criteria from the user interface. In addition to that taught by Hawkins, Howorka teaches a trading system with triggers(Abstract)(col 2 lines 50-53).Howorka also teaches a market access node and a market distributor and trader workstations(Fig 1). Howorka also teaches updating queues of available quote(Fig 3/102) and the threshold trigger credit matrix update operation(Fig 3/108) as well as the trigger update status of quotes(Fig 3).It would have been obvious to one skilled in the art at the time of the invention to combine Breen in view of Hawkins and further in view of Howorka to teach the applicant's disclosure. The motivation to combine Breen in view of Hawkins is to teach a trading mechanism for financial instruments that makes executions more efficient as enunciated by Hawkins(col 3 lines 18-23).

### *Conclusion*

5. **THIS ACTION IS MADE NON-FINAL.**

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6. Questions regarding this communication should be directed to the primary of record, Dr. Geoffrey Akers,P.E. who can be reached between the hours of 6:30 AM and 5:00 PM Monday

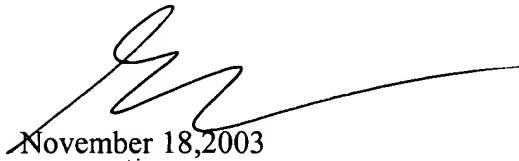
Application/Control Number: 09/884303

Page 4

Art Unit: 3624

through Friday at 703-306-5844. In the event that the primary cannot be reached, the SPE, Vincent Millin may be telephoned at 703-308-1065.

The fax number for formal or officieal; faxes or Informal or Draft faxes to Technology Center 3600 or thisArt Unit is (703)-308-3687.



November 18, 2003

**DR. GEOFFREY R. AKERS, P.E.**  
**PRIMARY EXAMINER**